

Filed for intro on 02/08/2001
SENATE BILL 886 By
Ford J

HOUSE BILL 1165
By Jones U (Shel)

AN ACT to amend Tennessee Code Annotated, Title 4, relative to
the Tennessee state racing commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 36, Part 2, as enacted by Chapter 311 of the Public Acts of 1987, as amended by Chapters 813 and 1013 of the Public Acts of 1988 and Chapters 664 and 1024 of the Public Acts of 1990 is hereby reenacted and revived as if the entire provisions of Title 4, Chapter 36, Part 2, once enacted were included herein.

SECTION 2. (a) A previous conditional licensee may apply for a new license by using its previous application and updating it to reflect any changes including any changes in its corporate structure and financial condition since the granting of its initial license. The applicant shall not be subject to any fees or background checks other than an updated check from the Tennessee Bureau of Investigation. The commission shall complete its review of the application of the previous licensee on a de novo basis as soon as practicable. If the commission has taken no action by August 1, 2001, on the application, the application is deemed to be approved.

(b) The enactment of this act shall recognize the validity and reauthorize any rules of the Tennessee state racing commission that were properly promulgated and in effect on June 1, 1998. Such rules shall expire on June 30, 2003, as provided by Tennessee Code Annotated, Section 4-5-226.

(c) In establishing the membership of the commission, the governor may reappoint members who previously served on the commission or appoint new members who meet the criteria of Tennessee Code Annotated, Section 4-36-201; provided, the governor shall make such reappointments or appointments as soon as practicable. The reappointed and newly appointed members shall serve under Tennessee Code Annotated, Section 4-36-201(i), until the close of the next annual session of the general assembly.

SECTION 3. Tennessee Code Annotated, Section 4-29-224(a), is amended by adding the following new subdivision:

() Tennessee state racing commission, created by Tennessee Code Annotated, Section 4-36-201, and reenacted and revived by this act;

SECTION 4. Tennessee Code Annotated, Section 4-36-207, is amended by deleting from subsection (a) the language "The executive secretary shall devote full-time to the duties of the office and shall not hold any other office or employment".

SECTION 5. Tennessee Code Annotated, Section 4-36-303(c)(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

Of a daily simulcast handle, the department of revenue shall receive one and one-half percent (1.5%) of the first three hundred thousand dollars (\$300,000) and two percent (2.0%) of the amount of the daily simulcast handle from three hundred thousand dollars (\$300,000) to four hundred fifty thousand dollars (\$450,000) and two and one-half percent (2.5%) of the amount of the daily simulcast handle from four hundred fifty thousand dollars (\$450,000) to six hundred thousand dollars (\$600,000) and three percent (3.0%) of the amount of the simulcast handle over six hundred thousand dollars

(\$600,000) for distribution in accordance with §4-36-306(b)(3) and (4). From such tax proceeds, the department shall allocate a reasonable portion of the simulcast handle for deposit into the "racing development fund" established in §4-36-105 as it may deem necessary.

SECTION 6. Tennessee Code Annotated, Section 4-36-306(b)(1), is amended by deleting the language "a racing day, a tax" and substituting instead the language "a live racing day, a live racing tax".

SECTION 7. Tennessee Code Annotated, Section 4-36-401, is amended by adding the following new subsection:

The county election commission with jurisdiction over any municipality that has approved pari-mutuel wagering on horse racing shall include on the ballot for the next municipal election the following question:

Shall (here insert the name of the municipality) permit live race and simulcast race pari-mutuel wagering on horse racing and permit pari-mutuel wagering on horse racing at satellite teletheaters?

FOR_____ AGAINST_____

Provided, however, if the licensee under this chapter so designates for the county election commission not less than sixty (60) days before the next municipal election the county election commission shall include instead on the ballot for such election the following question:

Shall (here insert the name of the municipality) permit live race and simulcast race pari-mutuel wagering on horse racing?

FOR_____ AGAINST_____

SECTION 8. If any provision of this action or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision of application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.